

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 71627

Matko Lee Chullin

408 Oriole Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
REVISED FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 31, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 21-7-216 (4), failure to comply with the correction notice; section 21-7-303, all work must conform to the National Electrical Code on residential property known as 408 Oriole Avenue, 21224.

On March 16, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Roger McMillion issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$22,600.00 (twenty two thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Matko Lee Chullin, Respondent and, Roger McMillion, Baltimore County Electrical Inspector.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, to a property owner who has consistently violated the same code within the year or consecutive years. BCC Section 3-6-205. A Final Order was issued on December 24, 2009 for the same violation.

B. County Electrical Inspector Roger McMillion testified that this case arose from a complaint filed by the County Department of Public Works (DPW). DPW is responsible for maintaining the sewer system including grinder pumps, which require electrical service. This commercial property has a damaged electrical service cable and BGE will not hook up service to the grinder pump until the cable is replaced. Photographs in the file show a large electrical service cable with missing cover insulation.

C. A Citation was previously issued for this violation on November 24, 2009. A Final Order issued December 24, 2009 imposed a civil penalty of \$2,000.00 but gave Respondent the opportunity to have the penalty rescinded if the violation was corrected by January 20, 2010. Inspector McMillion testified that he gave Respondent a further extension because of the snow, and because a licensed electrical inspector obtained a permit to make the required repair. However, Respondent has not completed the repair and has not returned the inspector's telephone calls.

D. Respondent Matt Chullin testified that he has been sick and had hospital treatment, and that he had to make family trips to New York. He testified that he is back in town now and that he can get the repair completed within the next five days.

REVISION TO FINAL ORDER:

E. The Final Order issued on April 5, 2010 imposed a civil penalty of \$4,000.00 and further provided that the penalty would be rescinded and reduced to zero dollars if the violation was corrected by April 8, 2010, with the cable replaced by a licensed electrician and all permit and inspection requirements satisfied. On April 12, 2010, this Hearing Officer was notified by the Department that the required repairs had not been made, and that the licensed electrician had canceled his permit to make the repair. Instead of imposing a significant financial penalty on Respondent for this code violation, and wasting additional time when the grinder pump needs to be made operative, this Order will authorize the County to enter the property to make the necessary repairs, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$100.00 (one hundred dollars).

IT IS FURTHER ORDERED that the previously imposed civil penalty of \$4,000.00 (four thousand dollars), by Final Order dated April 5, 2010, is RESCINDED.

IT IS FURTHER ORDERED that Baltimore County is authorized to enter the property for the purpose of having a licensed electrician make necessary repairs, including replacing the electrical service cable for connection to the sewer system grinder pump, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 13th day of April 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.